

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

AMERICAN TAXI DISPATCH, INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 11 C 6796
)	
AMERICAN CAB SERVICE, INC.,)	
et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

American Cab Service, Inc. ("American Cab") has filed its Answer to the Complaint brought against it and its two codefendants by American Taxi Dispatch, Inc. ("American Taxi") (both of the codefendants have contemporaneously filed a Fed. R. Civ. P. ("Rule") 12(b)(6) motion to dismiss). This sua sponte memorandum order is occasioned by one problematic aspect of American Cab's Answer.

Answer ¶¶9 through 17 advance disclaimers of the corresponding allegations by American Taxi--disclaimers that are intended to entitle American Cab to a deemed denial of those allegations. But each of the purported disclaimers inexplicably departs from the clear roadmap marked out by Rule 8(b)(5). Accordingly each of those paragraphs of the Answer is stricken, but with leave granted to American Cab to file an amendment to the Answer curing its deficiencies on or before November 29,

2011.¹

No charge is to be made to American Cab by its counsel for the added work and expense incurred in correcting counsel's errors. American Cab's counsel are ordered to apprise their client to that effect by letter, with a copy to be transmitted to this Court's chambers as an informational matter (not for filing).



Milton I. Shadur
Senior United States District Judge

Date: November 17, 2011

¹ There is no need for American Cab to file a full-blown Amended Answer rather than such an amendment.